

## Message Text

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17

ORIGIN SCSE-00

INFO OCT-01 ARA-10 ISO-00 SCA-01 L-03 H-02 SNM-02 DEAE-00

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FM SECSTATE WASHDC

TO AMCONSUL MATAMOROS PRIORITY

INFO AMCONSUL CIUDAD JUAREZ PRIORITY

AMCONSUL GUADALAJARA

AMCONSUL HERMOSILLO

AMCONSUL MAZATLAN

AMCONSUL MERIDA

AMEMBASSY MEXICO

AMCONSUL MONTERREY

AMCONSUL NUEVO LAREDO

AMCONSUL TIJUANA

UNCLAS STATE 209336

E.O. 11652: N/A

TAGS: CASC, MX(AYALA, ALFREDO)

SUBJECT: CASE REVIEW OF ALL AMERICAN PRISONERS IN MEXICO  
(ALFREDO AYALA)

REF: (A) MATAMOROS OM 8/21/75; (B) STATE 194199

1. FOR ALL ADDRESSEES: THIS TELEGRAM IS SENT TO ALL  
MEXICAN POSTS FOR INFORMATION BECAUSE AYALA IS THE FIRST  
OF THE SOME 500 CASES DEPARTMENT WILL BE STUDYING UNDER  
"OVERALL REVIEW" DESCRIBED REFTEL. POSTS CAN EXPECT TO  
RECEIVE TELEGRAMS IN DUE COURSE WITH COMMENTS OR QUESTIONS  
SUCH AS THOSE BELOW ON EACH CASE SUBMITTED TO DEPARTMENT  
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FOR REVIEW. FUTURE TELEGRAMS ON INDIVIDUAL CASES WILL BE  
SENT ONLY TO POST CONCERNED WITH INFO COPY TO EMBASSY. TO  
DATE WE HAVE NOT RECEIVED ANY COMMENTS ON OR COUNTER-  
PROPOSALS TO REVIEW PROGRAM OUTLINED IN REFTEL. THUS,

PENDING RECEIPT SUCH COMMENTS OR COUNTER-PROPOSALS WE WILL FOLLOW PROCEDURES SET FORTH REFTEL WITH PERHAPS SOME REFINEMENTS AS PROCESS CONTINUES.

2. FOR MATAMOROS: IN GENERAL, RECORD SHOWS POST'S HANDLING OF AYALA CASE WAS GOOD, WITH REPORTING, VISITATIONS AND PROTECTION BEING MORE THAN ADEQUATE, PARTICULARLY IN VIEW OF AYALA'S HAVING CONCEALED HIS AMCIT STATUS FOR OVER ONE YEAR AFTER ARREST. ALLEGATIONS/COMPLAINTS IN THIS CASE INCLUDE: 1) AYALA'S COMPLAINT TO CONSULAR OFFICER OF DETENTION MORE THAN ONE YEAR WITHOUT SENTENCING; 2) AYALA'S SISTER'S (MRS. KATHERINE AYALA) ALLEGATIONS MADE IN DECEMBER 1974 LETTERS TO SENATOR CRANSTON AND CONGRESSMAN WILSON OF A) EMBASSY UNHELPLESSNESS, B) AYALA'S BEING FORCED TO SIGN CONFESSION, C) LACK OF CONSULAR AND FAMILY CONTACT AFTER ARREST; AND 3) AYALA'S MOTHER'S COMPLAINT (POST MEMO OF JANUARY 10, 1974) THAT LIC. MOISES ALVARADO, FIRST OF HIS THREE ATTORNEYS, WAS "NOT HELPING HER SON AT ALL, THAT HE JUST TOOK THEIR MONEY WITHOUT PREPARING 'EVEN A SIMPLE DEFENSE.'"

3. CONCERNING PROLONGED DETENTION, POST APPEARS TO HAVE ACTED PROPERLY, IN LIGHT OF CIRCUMSTANCES AT TIME (AYALA'S ATTITUDE, FAMILY WISHES AND ATTORNEY'S COUNSEL), IN NOT MAKING FORMAL PROTEST. NO ACTION REQUIRED.

4. CONCERNING ALLEGED EMBASSY UNHELPLESSNESS, NO ACTION REQUIRED.

5. CONCERNING ALLEGED FORCED CONFESSION, THIS ALLEGATION SEEMS VERY DUBIOUS, NOT HAVING BEEN RAISED UNTIL TWO YEARS AFTER SUPPOSED OCCURRENCE. NONETHELESS, POST SHOULD DISCUSS WITH AYALA TO DETERMINE IF ANY SUBSTANCE TO ALLEGATION. IF POST FINDS SUCH BASIS, ONLY FEASIBLE ACTION AFTER SUCH LONG LAPSE OF TIME APPEARS TO BE POST SUGGESTION TO AYALA THAT HE ASK ATTORNEY ABOUT UTILITY OF SEEKING REMEDY THROUGH COURTS (SEE MENDOZA MATERIAL SENT UNCLASSIFIED

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ALL MEXICO POSTS BY A-5153 OF JULY 31).

6. CONCERNING LACK OF CONSULAR ACCESS, NO SPECIFIC ACTION REQUIRED IN THIS CASE. EMBASSY IS PURSUING MATTER AT FEDERAL LEVEL AND POST IS ENCOURAGED TO CONTINUE "VIGOROUS ORAL REPRESENTATIONS" (MATAMOROS 12 OF APRIL 15) AS NEW CASES ARISE.

7. CONCERNING POSSIBLE EXTORTION BY ATTORNEY, POST SHOULD DISCUSS WITH PRISONER AND FAMILY TO VERIFY A) AMOUNT OF MONEY PAID ALVARADO WAS EXCESSIVE BY LOCAL STANDARDS AND B) THEY FEEL THEY WERE EXTORTED. IF ACTION AGAINST ALVARADO APPEARS WARRANTED, CONSULT WITH EMBASSY ON HOW

TO ADVISE FAMILY TO PROCEED (EMBASSY IS DRAFTING LETTER FOR SUCH USE). ALSO, VERIFY PRISONER/FAMILY FEELINGS ABOUT SERVICES AND COST OF OTHER TWO ATTORNEYS. IN THIS CONNECTION, WE NOTE NONE OF THREE IS ON POST (INCLUDING NUEVO LAREDO) LIST OF ATTORNEYS. WAS AYALA EVER PROVIDED WITH SUCH LIST?

8. IN ADDITION TO ABOVE, WE WOULD APPRECIATE ACTION OR INFORMATION ON FOLLOWING POINTS:

A) COMMISSIONED JOB -- POST'S NOTE OF JUNE 5, 1975 UNDER "RECORD OF PRISON VISITS" STATES AYALA RECENTLY BEGAN WORKING IN PRISON SHOP. WE ASSUME THIS IS COMMISSIONED JOB THAT WILL EARN HIM ONE-DAY REDUCTION OF SENTENCE FOR EACH TWO DAYS WORKED. IF HE DID NOT HAVE SUCH JOB EARLIER, PLEASE ASK HIM WHY NOT? WAS HE AWARE OF RIGHT TO JOB? DID HE WANT SUCH JOB? HAD HE APPLIED FOR JOB? ETC. HAS HE BEEN DISADVANTAGED REGARDING REDUCTION IN TIME OFF SENTENCE BECAUSE HE DID NOT HAVE JOB SOONER? IF SO, IS THERE ANY REMEDY THROUGH ACTION BY ATTORNEY?

B) ELIGIBILITY FOR PRE-PAROLE -- POST LETTER OF FEBRUARY 14 TO CONGRESSMAN WILSON REFERS TO AYALA'S HAVING TO SERVE TWO-THIRDS OF SENTENCE BEFORE BECOMING ELIGIBLE FOR PRE-PAROLE. WE DO NOT UNDERSTAND TERM "PRE-PAROLE." PLEASE EXPLAIN (PER MENDOZA MATERIAL, PAROLE IS NOT GRANTED TO NARCOTICS OFFENDERS -- SEE PAGE 18 OF "BRIEF REVIEW").

C) NOTICE OF CONSULAR VISIT -- MATERIAL FROM POST INCLUDED UNCLASSIFIED

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NOTICE OF PRISON VISIT FOR AUGUST 14 ON WHICH AYALA HAD INDICATED HE DID NOT WANT INTERVIEW. IN VIEW OF LONG LIST OF VISITS, ANY SIGNIFICANCE TO AYALA REFUSAL AT THIS TIME? ROBINSON

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**To:** MATAMOROS INFO CIUDAD JUAREZ  
GUADALAJARA  
HERMOSILLO  
MAZATLAN  
MERIDA  
MEXICO

MONTERREY  
NUEVO LAREDO  
TIJUANA  
**Type:** TE

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